

Hearing Date:

Hearing Time:

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In Re:

CHARLES EDWARD RODGERS, JR.

U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

2019 SEP -4 P 4: 53

Chapter 13 – CASE #: 19-40975(ESS)

ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION TEMPORARY  
RESTRAINING ORDER AND IMPOSE AND  
REINSTATE

RECEIVED

Debtor,

STATE OF NEW YORK ) SS:  
COUNTY OF KINGS )

**AFIRMATION IN SUPPORT OF OTSC FOR AN ORDER  
TO DENY THE MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
11 U.S.CODE §362(a); 11 U.S CODE §105 (d)(1); (B)(iv)(vi)  
U.S.C. § 1322 (b)(3)(4)(8)**

To the Honorable Elizabeth Stong, United States Bankruptcy Judge:

Upon the affidavit of **CHARLES EDWARD RODGERS, JR** , sworn to on the **June 10, 2019** , and upon the copy of the Motion for an order to deny the Motion for relief from the automatic stay, complaint hereto attached it is ORDERED, that the above-named Debtor **CHARLES EDWARD RODGERS, JR**

**INTRODUCTION**

1. I am, Charles Edward Rodgers (the “**Debtor**”) who filed a voluntary petition on February 20, 2019 for relief under Chapter 13 of title 11, U.S.C. with the United States Bankruptcy Court for the Eastern District of New York.
2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334.
3. This case is under review and decision under the Hon. Elizabeth Stong Of The United States Bankruptcy Court.
4. Charles Edward Rodgers (the “**Debtor**”) case number is 19-40975 (ESS).

**FACTUAL HISTORY**

5. On or about February 6, 2004, I, Charles Edward Rodgers (the “**Debtor**”) secured a loan for my residence in the amount of Two Hundred and Sixty Thousand Dollars (\$260,000.00) by way of Flushing.

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CLERK

6. Prior to this injunction on an ancillary case by coincidence, all payments were promptly made, with a current balance on original principal of One Hundred, Seventy Eight Dollars, Seven Hundred and Twelve Dollars (178,712.00) being outstanding.
7. Charles Edward Rodgers (the "**Debtor**") is the owner of real property located at 113-10 Sutphin Boulevard, in Jamaica, New York 11434.
8. Charles Edward Rodgers (the "**Debtor**") resides at 113-10 Sutphin Boulevard, in Jamaica, New York 11434 as evidenced in annexed Exhibit A of the secured creditor's copy of Note and Mortgage.
9. A foreclosure proceeding commenced against Charles Edward Rodgers (the "**Debtor**") due to a default on an ancillary, coincidental matter, not directly related to Flushing, however upon the identification of such, notification and correspondence was forwarded to the attorneys representing Flushing to make clarity on the occurrence.
10. Due to financial protocol Flushing enjoined and commenced a proceeding, to which as discussed by way of both counsel and Charles Edward Rodgers (the "**Debtor**") can be resolved favorable to Flushing with all defaults payments being made, and continuance of regular scheduled payments.
11. Charles Edward Rodgers (the "**Debtor**") can present all default payment outstanding post petition dates on record to curing all current and outstanding monthly defaults in this current year.
12. All default debts which was originally agreed to in the monthly payment of One Thousand, Eight Hundred Ninety Five Dollar's and Fourteen Cents. (\$1,895.14) per month, which "*only*" commence due to the injunction of the ancillary case.
13. Upon agreement Charles Edward Rodgers (the "**Debtor**") will be seeking to acquire an official dismissal and withdrawal of this voluntary petition filing and payments as stated be satisfied to Flushing and would request that Flushing remove any reported liens once agreement is finalized and reinstated.
14. For said reasons stated above, Charles Edward Rodgers (the "**Debtor**") submits this Motion to make a decision reflecting this current agreement between both parties Charles Edward Rodgers (the "**Debtor**") and Flushing, foregoing the granting of request by way of application submitted and filed on June 6, 2019.

**DEBTOR IS ENTITLED TO REQUEST IMPOSITION  
OF AUTOMATIC STAY**

15. On the grounds stated Charles Edward Rodgers (the "**Debtor**") seeks to "vacate the Motion filed by Flushing for relief from the Automatic Stay.
16. Charles Edward Rodgers (the "**Debtor**") U.S.C §1322 (b)(3)(4)(8) which will allow and provide the curing of current default debts owed to Flushing.

17. ORDERED, that the application MOTION FOR RELIEF FROM THE AUTOMATIC STAY be denied, which was filed for consideration with the clerk on June 6, 2019 by CULLEN and DYKMAN LLP on behalf of FLUSHING SAVINGS at 100 QUENTIN ROOSEVELT BOULEVARD, GARDE CITY, NEW YORK be dismissed due to open discussion of payments and curing of debt as previously discussed as a solution.
18. ORDERED, that proposed secured creditor FLUSHING SAVING BANK and its ATTORNEY CULLE and DYMAN LLP at 100 QUENTIN ROOSEVELT BOULEVARD, GARDEN CITY NEW YORK 11530, in conference brings a resolve and reinstate all previous monetary commitments Charles Edward Rodgers (the "Debtor").
19. ORDERED, that creditor accept all payment defaulted upon initial default and cure all outstanding months owed to Flushing, and it is further ORDERED that a copy of this order, together with the papers upon which it is granted, be personally served upon the defendant or their attorney on or before \_\_\_\_\_, 2019 by \_\_\_\_\_ and that such service be deemed good and sufficient.

Date: Brooklyn, New York

June 10, 2019

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United States District Judge

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

In Re:

CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK  
CHARLES EDWARD RODGERS, JR.

2019 SEP -4 P 4: 52

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**Chapter 13 – CASE #: 19-40975 (ESS)**

**ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION TEMPORARY  
RESTRAINING ORDER AND IMPOSE AND  
REINSTATE**

**Debtor,**

**STATE OF NEW YORK ) ss.:**

**COUNTY OF KINGS )**

I, Charles Edward Rodgers (the “**Debtor**”), being sworn deposes and makes the following affirmation under the penalties of perjury:

I, Charles Edward Rodgers am (the “**Debtor**”), in the above-entitled action, and respectfully move this Court to issue an order enjoining assumed creditor inn above-mentioned case **FLUSHING** asking the Court to review and revise the correspondence and meeting of the minds development held between counsel for Flushing and Charles Edward Rodgers (the “**Debtor**”) since the commencement of the filing of petition. A request is being made in earnest for a quick resolve and fairness given to Charles Edward Rodgers (the “**Debtor**”).

I, Charles Edward Rodgers (the “**Debtor**”) am asking that the Court schedule a conference for both parties in so doing a resolve favorable to Flushing in listed current default payments be made in the monthly agreed amounts of One Thousand, Eight Hundred, Ninety Five Dollars and Fourteen Cents (\$1,895,14) for the months reflecting its default date be made in its full. I am asking the Court to grant a hold from any further activity of comparative sale of premises in question from any further sale or auctioning or prospective means or sale of premises until a conference is held to discuss all proposed discussions and agreements between Charles Edward Rodgers (the “**Debtor**”) and Flushing in this enjoined entitled action.

I, Charles Edward Rodgers (the “**Debtor**”) am proceeding with an Order to Show Cause because time there is a scheduled hearing and I am hoping that this agreement can be implemented signed and delivered by opposing counsel in favor of curing outstanding agreed debts.

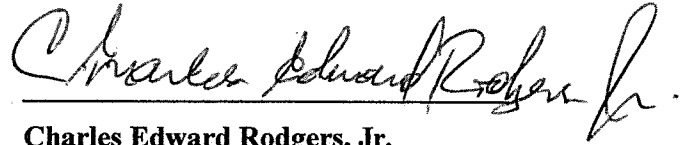
Unless the request for the imposition and reinstatement along with a restraining order is implement Charles Edward Rodgers (the “**Debtor**”) need for a resolve is continually being hindered thus, being unable to cure this debt with a plan for consideration of ancillary options. As mention and will

and readiness, Charles Edward Rodgers (the "**Debtor**") is ready to proceed with curing all outstanding payments from date of default in the months which reflect its lapse March 2019 through Current date, totaling {\$13,370.35} thirteen thousand, four hundred thirty seven dollars and thirty five cents in a certified bank check.

**WHEREFORE**, I humbly, request that this application be granted and for such other relief as this Court deem just.

**Dated: June 10, 2019**

**Brooklyn, New York**

A handwritten signature in cursive script, reading "Charles Edward Rodgers Jr.", written in black ink.

**Charles Edward Rodgers, Jr.**

Charles rodgers 1@msn.com  
(347) 804-6030